

RANKING MINORITY MEMBER
AGRICULTURE
VETERANS, HOMELAND SECURITY AND
MILITARY AFFAIRS

COMMITTEE MEMBER
ENERGY AND TELECOMMUNICATIONS
INSURANCE
MENTAL HEALTH AND DEVELOPMENTAL
DISABILITIES
SELECT COMMITTEE ON
STATE-NATIVE AMERICAN RELATIONS

**THE SENATE
STATE OF NEW YORK**



ROBERT G. ORTT
SENATOR, 62ND DISTRICT

ALBANY OFFICE:
617 LEGISLATIVE OFFICE BUILDING
ALBANY, NEW YORK 12247
(518) 455-2024

DISTRICT OFFICE:
175 WALNUT STREET, SUITE 6
LOCKPORT, NEW YORK 14094
(716) 434-0680

November 22, 2019

Attorney General William Barr
United States Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530-0001

Dear Attorney General Barr:

I am writing to request a formal investigation by your committee into recent allegations that the New York State Joint Committee on Public Ethics (JCOPE) may have illegally disclosed details of its deliberations regarding Joseph Percoco to Governor Andrew Cuomo.

As reported by the Albany Times Union,¹ Ms. Julie Garcia was appointed to JCOPE by New York State Assembly Speaker Carl Heastie. Allegedly, immediately following a contentious (and, by law, confidential) vote to investigate Cuomo confidant Joseph Percoco, Governor Cuomo contacted Assembly Speaker Heastie to express his frustration with how Ms. Garcia, the Speaker's appointee, voted. The Speaker's staff then contacted Ms. Garcia to express disappointment, which prompted her to contact the New York State Inspector General's office.

The inspector general investigated this incident, but will not publicly state what the investigation found or why charges are not being brought. I recently called on the New York State Senate Committee on Investigations and Government Operations to investigate the situation, but the Committee has failed to act.

Not only were allegations made by the whistleblower kept a secret from the public, but the details of the investigation conducted by the state inspector general continue to be withheld. This is the complete opposite of the inquiries we are witnessing take place in Washington and it is unacceptable for a government's investigative body to operate in this manner.

JCOPE is specifically designed to be an independent oversight body tasked with rooting out corruption in a state with a long history of it. The allegation that the governor may have violated JCOPE's confidentiality bylaws in order to strong-arm JCOPE members investigating his former top aide is a threat to our state government and should be investigated accordingly.

¹ "Inspector general probed ethics panel's alleged leak to Cuomo," *Albany Times Union*, published Nov. 14, 2019.
<https://www.timesunion.com/news/article/Inspector-general-probed-alleged-ethics-panel-s-14832610.php>

Giving these allegations a complete and thorough investigation is a necessary step to block corruption and, at the very least, help restore public trust in Albany. I urge you to launch an investigation into these allegations as soon as possible. The public deserves to know whether this degree of corruption occurred at the highest echelon of our state government. Additionally, as a lawmaker, it is critical for me to know whether JCOPE is truly independent of the influence of those it is supposed to hold accountable. Thank you for your attention to this matter.

Sincerely, —

A handwritten signature in black ink, appearing to read "Robert G. Ort", with a stylized flourish at the end.

Robert G. Ort

New York State Senator, 62nd District